

Attorneys for Defendant
EASTMAN KODAK COMPANY



**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

APPLE INC., a California Corporation,
Plaintiff,
v.
EASTMAN KODAK COMPANY, a New
Jersey Corporation,
Defendant.

Case No. 5:10-CV-04145-JW-PVT

**ORDER VACATING CASE
MANAGEMENT CONFERENCE**

Date: November 15, 2010
Time: 9:00 a.m.
Courtroom: 8, Fourth Floor
Judge: Hon. James Ware

STIPULATION AND [PROPOSED] ORDER
Case No. 5:10-CV-04145-JW-PVT

WHEREAS, Plaintiff Apple Inc. ("Apple") filed this complaint in California state court against Eastman Kodak Company ("Kodak") on August 25, 2010;

WHEREAS, on September 15, 2010, Kodak removed the case to federal court on diversity grounds;

WHEREAS, on October 8, 2010, the Court issued a notice setting the initial case management conference in this case for November 29, 2010 at 10 a.m.;

WHEREAS, on October 8, 2010, Kodak filed a Motion to Dismiss, Or In The Alternative, Transfer Venue to the Western District of New York, and noticed its motion for November 15;

WHEREAS, on October 12, 2010, the Court continued the hearing on Kodak's Motion to Dismiss, Or In The Alternative, Transfer Venue to the Western District of New York to January 31, 2011, but did not continue the initial case management conference or related deadlines, including the Rule 26(f) conference, the case management conference statement, and the Rule 26(f) initial disclosures, arising from the November 29 conference date;

IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES, pursuant to Civil L.R. 7-12 and 16-2(e), to request that the current case management conference, now scheduled for November 29, 2010, at 10 a.m., be continued, if necessary, to the earliest Court date available after the January 31, 2011 hearing on Kodak's Motion to Dismiss, Or In The Alternative, Transfer Venue to the Western District of New York. The parties additionally request that the due date of the Case Management Conference Statement, the Rule 26(f) conference, and the Rule 26(f) initial disclosures be continued accordingly.

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There have been no other extensions of the Case Management Conference hearing date or due date of the Case Management Conference Statement.

Dated: November 12, 2010

K&L Gates LLP

By: /s/
Michael J. Bettinger
Shane Brun
Rachel R. Davidson
Mikal J. Condon
K&L GATES LLP
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Attorneys for Defendant
Eastman Kodak Company

Dated: November 12, 2010

By: /s/
Matthew D. Powers
Steven S. Cherensky
Gregory D. Hull
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Redwood Shores, CA 94065

Attorneys for Plaintiff
Apple Inc.

I, Mikal J. Condon, attest that concurrence in e-filing this Stipulation and Proposed Order has been obtained from signatories Matthew D. Powers and Gregory D. Hull.

Dated: November 12, 2010

Respectfully submitted,

By: /s/
Mikal J. Condon

~~PROPOSED~~ ORDER

PURSUANT TO THE STIPULATION, the Case Management Conference currently
1 scheduled for November 29, 2010 at 10 am is hereby VACATED.

2 The Court will set a new Conference date in its Order addressing the pending motion, if
3 necessary.

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5 IT IS SO ORDERED.

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8 Dated: November 17, 2010


Hon. James Ware, District Court Judge